

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41572 of 2023

Applicant :- Ravi Shanker @ Manoo

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Sumer Chaudhary

Counsel for Opposite Party :- G.A.,Rajesh Kumar Singh

Hon'ble Sameer Jain,J.

1. Heard Sri Ram Sumer Chaudhary, learned counsel for the applicant; Sri Rajesh Kumar Singh, learned counsel for the informant and Dr. S. B. Maurya, learned AGA-I for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 13 of 2023, under Sections 366, 376 IPC, Police Station Jaspura, District Banda, during pendency of the trial in the court below.

3. FIR of the present case was lodged against unknown person and according to the FIR, daughter of the informant aged about 13 years had gone somewhere from her house.

4. Learned counsel for the applicant submitted that applicant was not named in the FIR but when victim was recovered and her statement was recorded under section 161 Cr.P.C. then she stated that applicant and his brother called her and thereafter they have abducted her and have taken her to Chandpur, District Fatehpur and both committed rape with her and similar story was narrated by her in her statement recorded under section 164 Cr.P.C. but story narrated by the victim in her both the statements recorded under sections 161 and 164 Cr.P.C. appears to be quite improbable and no reliance can be placed on such version.

6. He further submitted that alongwith the instant bail application, CDR of the victim has been annexed which was collected by the Investigating Officer during investigation and from her CDR report, it appears that even before the incident and after the incident, she was in continuous touch with Ramsagar Singh.

7. He further submitted that actually applicant has been falsely

implicated in the present case as there was dispute between the informant and applicant with regard to the milk dairy as milk dairy was running by applicant and informant in partnership.

8. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 28.6.2023.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that victim in her both the statements recorded under sections 161 and 164 Cr.P.C. categorically stated that applicant and his brother, abducted her and committed rape with her and even if she used to talk with some other person, it does not mean that applicant and his brother was having licence to commit rape with her.

10. They further submitted that except the verbal averment, there is no evidence that applicant and informant run the milk dairy in partnership and some dispute arose between both of them, therefore, considering the statements of the victim recorded under sections 161 and 164 Cr.P.C. applicant should not be released on bail.

11. I have heard learned counsel for the parties and perused the record of the case.

12. However, victim in her both the statements recorded under sections 161 and 164 Cr.P.C. made allegation of abduction and rape against the applicant and his brother but I find force in the argument advanced by learned counsel for the applicant that the story narrated by her does not appear to be convincing.

13. Further, from the call detail of the victim which has been annexed alongwith the instant bail application, it appears that she was in continuous touch even after the incident with one Ramsagar Singh.

14. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

16. Let the applicant-**Ravi Shanker @ Manoo**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court

concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 17.10.2023

Ankita